

EXHIBIT 6

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

The Woodlands Pride, Inc.; Abilene Pride
Alliance; Extragrams, LLC; 360 Queen
Entertainment LLC; Brigitte Bandit,

Plaintiffs,

v.

Civil Action No. 4:23-cv-02847

Angela Colmenero, in an official capacity as
Interim Attorney General of Texas; The
Woodlands Township; Montgomery County,
Texas; Brett Ligon, in an official capacity as
District Attorney of Montgomery County;
City of Abilene, Texas; Taylor County,
Texas; James Hicks, in an official capacity as
District Attorney of Taylor County; Delia
Garza, in an official capacity as County
Attorney of Travis County; Joe D. Gonzalez,
in an official capacity as District Attorney of
Bexar County,

Defendants.

DECLARATION OF BRIGITTE BANDIT

Pursuant to 28 U.S.C. § 1746, Brigitte Bandit declares:

1. My name is Brigitte Bandit.¹ I am over twenty-one (21) years of age and am fully competent to testify about the matters contained herein. The following statements are made within my personal knowledge and are true and correct.

2. I am a resident of Travis County, Texas and a lifelong Texan.

3. I am non-binary and was assigned the sex of female at birth. I use she/they pronouns.

4. I am a drag artist and performer, and I also produce and host drag shows. Drag performing is my full-time job, and I have worked as a drag artist for the past five years.

5. Drag is a type of performance art that often exaggerates male or female characteristics and challenges or subverts gender stereotypes. Drag is typically a visual performance that involves singing, lip-syncing, dancing, comedy, humor, laughter, and joy. As a drag artist, I commonly use “accessories” or “prosthetics” to exaggerate male or female sexual characteristics and make gestures or “gesticulations” that could be interpreted as “sexual” by others.

6. Before I started drag, I worked as a swim instructor at the YMCA, taught summer art camp, hosted birthday parties for kids, and volunteered for my church as a youth group leader. I have worked with kids and youth my entire life and have performed drag for audiences of all ages.

7. I first learned about drag from my local community. I had always assumed that most drag performers were assigned male at birth but was inspired to learn that people assigned female at birth could also be drag performers.

¹ Brigitte Bandit is a pseudonym and my stage name as a drag performer. I am asking the Court to proceed under a pseudonym to protect my personal safety and privacy, based on recent threats I have received, in a forthcoming motion to proceed under a pseudonym.

8. With the help of my friends and local community, I started trying on various outfits and personas and seeing what worked. For me, drag has been a creative process that allows me to express myself, explore who I am, and connect with my community.

9. During the COVID-19 pandemic, I decided to try dressing up as Dolly Parton and posted a photo of my “Dolly outfit” on social media. After I posted, I realized there was a high demand for Dolly drag, which has since been a staple and main source of income for my drag career.

10. The role stuck and the audience loved it. I’m now known throughout the state of Texas as a Dolly drag performer, even though I also take on other roles. For example, I’ve taken on the personas of Amy Winehouse, Cher, Britney Spears, Lady Gaga, Cyndi Lauper, and Shania Twain. I love impersonations and connecting with my audiences via these well-known celebrities.

11. In order to assume the role of Dolly Parton and as part of my artistic expression, I use a prosthetic breast plate to give myself a larger chest, which exaggerates my female sexual characteristics. I also use various accessories like wigs, eyelash extensions, makeup, rhinestones, cowboy boots, high heels, and clothing to complete my “Dolly look” and other drag personas.

12. The following photos show my outfits and performances, which I would be able to testify to.





13. Even though I've worked as a drag performer for the past five years, I rarely experienced any issues or heard any complaints until last year. Until recently, all my audiences seemed happy, welcoming, and excited to have drag performers at their events.

14. It now feels like drag artists, and the broader LGBTQIA+ community, is under assault by a coordinated effort to strip away our Pride and joy.

15. In December 2022, I had my first event cancelled due to anti-drag rhetoric. In March 2023, I performed at South by Southwest and had anti-drag protesters try to disrupt my show.

16. In June 2023, my legal name was exposed on the internet by an anti-LGBTQIA+ hate group. On their website and social media, this group posted photos and video of me, taken out of context, and exposed my legal name. They also lied and said that I perform "sexually explicit drag shows in front of children" and am "a well-known advocate for child sexualization." This group linked to my Twitter account and urged their followers to send me

hateful messages. The things they said about me are false and have had an awful impact on my life.

17. Since that incident, I have been targeted by people on the internet who have shared my legal name and encouraged their followers to bother or harass me. People have called me a “deviant who doesn’t belong with [sic] 500 feet of any children” and said things like “I think groomers should be a little afraid”; “They should be terrified”; “You can run but you cannot hide”; and “Kill it with fire.” Someone also posted a picture of someone throwing a cinderblock with the words “COME HERE” on top of it.

18. SB 12 worsens these threats by stigmatizing and demonizing my artistry. Since this law has passed, I have become much more worried about my personal safety at in-person events. I get nervous walking to and from my car before and after shows and have had strangers on the street shake their head at me and frown in disapproval. I used to like to get ready in full drag at home, but now I wait until I get to the venue because I am too nervous to walk in public wearing full drag. Multiple venues have already cancelled my events recently due to anti-drag animus and threats. For the events that haven’t been cancelled, venues have hired additional security due to the threats they were receiving, especially for any event where people under 18 are or might be present.

19. Because the Legislature and Governor stated that SB 12 clearly targets drag performers—and some lawmakers indicated that all drag shows are inherently sexual or obscene—my art will be stigmatized if SB 12 takes effect, and I reasonably fear that Defendants will enforce this law, including its criminal provisions, against me.

20. Even though my shows are not obscene, I reasonably fear that other people, including Defendants, will accuse my shows of “appeal[ing] to the prurient interest in sex.” I do

not know what this term means and cannot predict how certain members of the public or government officials will react to my shows, but I reasonably fear that I will be targeted by SB 12. I also worry that my gestures or gesticulations could be interpreted as “sexual” by others, including when I dance, do the splits, or shake my hips or chest.

21. Under SB 12, I also fear that my performances could be accused of “representation [of] . . . simulated . . . sexual acts,” since I occasionally hug, blow kisses, or dance in ways that could be considered “sexual.” I also reasonably fear that I will be accused of “simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person,” since I sometimes dance closely with other performers, and we sometimes brush up against or touch each other.

22. I also reasonably fear that I could be accused of the “exhibition or representation, actual or simulated, of male or female genitals in a lewd state.” Because some people consider breasts to be “genitals” and my breast plate is exhibited in many of my performances, I fear that this provision of SB 12 could be used against me, even though I would not characterize my performances in this way. Similarly, I reasonably fear that I could be accused of being “nude” during a performance because this term is so broadly defined by SB 12. Because I wear prosthetic breasts and occasionally tight clothing, I sometimes show cleavage and parts of my body similar to what people might see at Hooters or while watching the Dallas Cowboys’ Cheerleaders. Although I do not believe that I am “nude” during my shows, I fear that someone could accuse me of this due to the vague and sweeping provisions of SB 12.

23. I also reasonably fear that I could be accused of “the exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals.” In two of my performance routines, I have occasionally used a dildo as a pretend microphone to

sing into while doing renditions of Mariah Carey's *All I Want for Christmas Is You* and *Part of Your World* from *The Little Mermaid*. I only perform these routines at venues where the audience is 18 and up, but I do not know the age of everyone in the audience and cannot control who might be able to see the show from outside the venue. Even when I perform at a bar where I believe everyone is 18 or 21 and up, I have no way to stop someone under the age of 18 from entering the premises with a fake ID or looking through a window, from a balcony, or over a fence.

24. I do not believe that singing into a dildo for comedic value "appeals to the prurient interest in sex," but I reasonably fear that I will be accused of violating SB 12 if I perform these routines and someone sees me from a nearby balcony or parking lot. For example, one of the venues where I have performed these routines is at an outdoor bar in Austin. There is a condo building across the street where people on their balconies can see the stage, and I have also seen parents and their teenage children try to watch my show from the parking lot outside the performance venue. I do not believe that this form of comedic artistic expression is obscene or inappropriate for children, but SB 12 threatens to expose me to criminal penalties for this type of creative performance.

25. Many of my routines are intended for audiences age 18 or 21 and up, but others are completely age-appropriate and suitable for children. As a performer, I tailor my shows to my audience. As someone who has worked with children and teenagers for most of my life, I care deeply about seeing young people grow up to be healthy, happy, and safe.

26. People on the internet have taken photos or videos from my shows at bars or nightclubs and tried to accuse me of doing similar performances for kids. But this misrepresents

and misconstrues my performances and is the equivalent of someone taking footage from an R-rated movie and pretending that it was shown to a G-rated audience.

27. As a drag artist, I do not do anything sexual in front of audiences for kids or teenagers, but my very existence as a drag performer has been called inherently “sexual” by others. Over the last couple years, I have worked, hosted, and helped organize drag events at schools, coffee shops, corporate offices, and public parks where kids and teenagers are or may be present. These events are completely non-sexual, and are bright, colorful, and beloved by our audiences. When I host and help organize events at commercial establishments, I arguably “control” my shows and parts of the premises around me, since this term is not defined by SB 12.

28. My drag artistry has already been chilled because of the fear, confusion, and uncertainty triggered by attempts to ban drag in Texas, and these harms will worsen exponentially if SB 12 takes effect. Drag shows that scheduled me for the summer have also cancelled gigs and contracts, and some venues that used to call or schedule me have stopped calling or scheduling events for this summer and fall. I tentatively have drag shows scheduled on September 2 and 3 that could be considered to be in the presence of someone under the age of 18 because both venues are outdoors and visible from the sidewalk and nearby condo buildings and hotels. If SB 12 takes effect, I fear that these shows and the approximately fourteen drag shows that I tentatively have scheduled for the month of September could expose me to harsh civil and criminal penalties.

29. I have also previously performed at Austin City Limits and hope to hold drag performances there again this October, but my performances and contract with this event have not yet been solidified due to the looming enactment of SB 12. Because this event is held at a large public space, where teenagers and kids are likely to be present, I am worried that SB 12

will impede or destroy this important opportunity for my artistry and business. My fall schedule is in limbo until I know whether this law will go into effect, and I am not able to plan out my performances with uncertainty and the threat of criminal and civil penalties looming over me.

30. This law will be devastating for me as an artist and a Texan because drag is my art and my full-time job. Much of my business comes from restaurants where I perform drag shows and brunches, especially in Travis County. There is no way that these commercial enterprises can fully stop people under the age of 18 from being present on the premises—or stop them from looking in the window—so SB 12 threatens to strip away all of my performances at local restaurants, coffee shops, and corporate offices. These businesses have already stopped booking me for shows that they normally would, and SB 12 threatens civil and criminal penalties against me and the venues I work in for circumstances beyond our control.

31. I understand that the Drag Ban threatens civil and criminal sanctions against any artist who is accused of engaging in a “sexually oriented performance” where someone younger than 18 years old might be present on the premises. And if this law goes into effect, I wouldn’t be able to trust any venue that I perform in, since I can’t fully guarantee that someone under the age of 18 will not be present. Even if I am driven into the shadows and only take gigs at night with a bouncer at the door, I still can’t stop someone from entering who uses a fake ID. SB 12 therefore threatens to destroy my existence as a drag performer and completely chill and censor my free expression.

32. If SB 12 takes effect, it will devastate my life, my art, and my livelihood. It will also chill my ability to engage in charity and fundraising work for nonprofits throughout the State of Texas. I have done a significant amount of fundraising for nonprofit organizations and

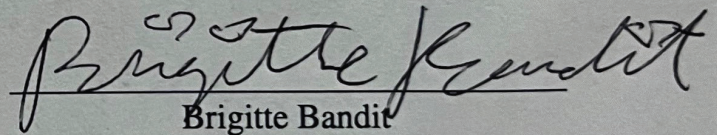
would not be able to help my community as effectively if drag is banned or forced into the shadows.

33. Some of the happiest moments of my drag career over the last five years have come from parks and public places and sharing the joy of drag with audiences of all ages. SB 12 seeks to destroy this art form for anyone under the age of 18. Seeing how my community is being misrepresented and how people I care about are targets has significantly impacted me. The passage of this bill will continue to irreparably harm my soul, spirit, and the community I seek to serve.

34. I am bringing this lawsuit to stop the Attorney General and Travis County District Attorney from enforcing SB 12 against me and taking any action to suppress my free speech and expression and irreparably harm my ability to earn a living.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 8th day of August, 2023.


Brigitte Bandit